

American produce or livestock could cause mass panic and long-lasting fear of American produced food products. Dr. Chalk cited a study conducted in California that concluded that "each day of delay in instituting effective eradication and control measures would cost the state \$1 billion in trade sanctions." The economic repercussions are almost unimaginable.

Yet within the Federal Government, no agency has the clear responsibility for preventing and containing an agroterrorist attack. Over 30 Federal agencies have jurisdiction over some part of the response process. This bifurcation of jurisdiction contributes to confusion among local and State officials as to where to turn for assistance and advice. According to a recent General Accounting Office, GAO, report Federal agencies are confused about the chain of command. The report states that neither the Food and Drug Administration, FDA, nor the Department of Agriculture, USDA, believe that they have the authority to enforce security at U.S. food processing plants. GAO states that "both FDA and USDA have instructed their field inspection personnel to refrain from enforcing any aspects of the security guidelines because the agencies generally believe that they lack such authority."

When questioned at the Governmental Affairs Committee hearing last week, Dr. Penrose Albright, Assistant Secretary for Science and Technology in the Department of Homeland Security, DHS, indicated that the responsibility of leadership would likely fall to DHS in the event of an intentional attack on the Nation's agriculture and stated that DHS "takes these responsibilities seriously," but stopped short of asserting that the new department had overall responsibility. I have asked DHS for clarification on this issue.

Dr. Albright also said that an unintentional contamination of American agriculture would not involve DHS. His response demonstrates a serious deficiency in the Federal Government's crisis response procedure. If there were an incident, who would lead the response in the hours or days before the cause of an outbreak was known? One agency must shoulder the responsibility for coordinating an immediate response regardless of the cause.

To address these concerns, I introduced two bills, S. 427, the Agriculture Security Assistance Act, and S. 430, the Agriculture Security Preparedness Act, to increase the coordination in confronting the threat to America's agriculture industry and provide the needed resources. My legislation provides for better funding and a better coordinated response and defense to an agroterrorist attack.

The Agriculture Security Assistance Act would assist States and communities in responding to threats to the agriculture industry. The measure authorizes funds for communities and states to increase their ability to handle a crisis. It also encourages animal

health professionals to participate in community emergency planning activities to assist farmers in strengthening their defenses against a terrorist threat.

The Agriculture Security Preparedness Act would enable better inter-agency coordination within the Federal Government. The legislation establishes senior level liaisons in the Departments of Homeland Security and Health and Human Services to coordinate with USDA on agricultural disease emergency management and response. The bill also requires DHS and USDA to work with the Department of Transportation to address the risks associated with transporting Animals, plants, and people between and around farms.

No doubt a terrorist attack on American agriculture could have a devastating effect on the United States. Our Nation's capability to counter such an attack is increasing, but more needs to be done. My two bills would help our Nation act now so that a future agroterrorist attack can be avoided or quickly responded to before the damage in lives or livestock is too great. I urge my colleagues to support this overdue legislation.

#### OVERTIME PAY

Mr. HARKIN. Mr. President, we are sent here to do the people's business, but one critical piece of the people's business is missing in this omnibus bill that was filed today. There is one shameful omission.

Both Houses of Congress, on a bipartisan basis, voted for my amendment to block the administration's proposed new rule on overtime. Both Houses voted to block the administration's radical rewrite of the Nation's overtime laws. That amendment passed 54 to 45 in the Senate, and 221 to 203 over in the House. The Congress of the United States spoke up—clear as a bell—and said, "No, the administration must not strip overtime rights from 8 million American workers."

The administration refused to accept this act of defiance by Congress. The administration ordered its foot soldiers in the House of Representatives to strip this provision from the omnibus. Senator SPECTER and I fought to keep it in, but the administration refused any cooperation or compromise. In the end, just like that, the administration nullified the clear will of both Houses of Congress and the American public.

I believe this is an abuse of power, and there is a clear pattern to this abuse of power. Time and again, we see this administration dictating to Congress, nullifying the work of Congress, running roughshod over the will of Congress.

This administration seems to believe in Government by one branch—the executive branch. When the executive branch speaks, the administration's allies in Congress must obediently fall in line. And, time and again, they do.

They act as a rubber stamp. They give the President a blank check.

This is dangerous to our constitutional system. The Founding Fathers did not talk about blank checks. They talked about checks and balances. In the Federalist Papers they specifically talked about the danger of allowing any one branch to reign supreme.

Instead of independent, coequal branches of Government, today the executive branch does, indeed, reign supreme. Time and again, this administration dictates to Congress, and Congress submits—even when both Houses of Congress have previously voted to the contrary.

The problem with having the executive branch dictating to the legislative branch—the problem with discarding checks and balances—is that it results in bad public policy, and that is exactly what we see here, today.

Both Houses of Congress, with bipartisan majorities, voted to block the administration's proposed overtime rule. This was the right thing to do. It was the correct public policy choice because this new rule is a stealth attack on the 40-hour workweek, pushed by the White House without a single public hearing. It will effectively end overtime pay for dozens of occupations, including nurses, police officers, firefighters, clerical workers, airtraffic controllers, social workers, and journalists.

This proposal is a slap in the face to the millions of American workers who depend on overtime pay to support their families and make ends meet. We're not talking about spare change, here. We are talking about taking away some 25 percent of the income of many American workers.

Now that Congress's vote and voice have been nullified, we are hearing that the Department of Labor could issue this new rule in the coming weeks. But I am here to serve notice that I will not give up, nor will others who have fought this.

The American people will not allow us to drop this issue. They have been watching this issue closely, because it hits so close to home. I pledge that I will offer the overtime amendment to every piece of legislation until we succeed.

Let's be clear. This is not just about reversing a destructive, misguided measure. It is also about this Congress asserting its independence and refusing to have its votes nullified at the whim of this administration.

#### BLOCKING THE ENFORCEMENT OF OUR NATION'S GUN SAFETY LAWS

Mr. LEVIN. Mr. President, the House-passed version of the Commerce, Justice and State Departments Appropriations Bill included provisions that, if adopted, would severely hamper efforts of the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) to enforce our nation's gun safety laws.